

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CALBERT NICHOLAS MATHEWS, )  
)  
Plaintiff, )  
)  
v. )  
)  
FORREST SPARROW, *et al.*, )  
)  
Defendants. )

Civil Action No. 7:20cv00712

**MEMORANDUM OPINION**

By: Hon. Thomas T. Cullen  
United States District Judge

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Plaintiff Calbert Nicholas Mathews, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered November 27 and 30, 2020, the court advised Mathews that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 4 & 6.) The court further advised Mathews that failure to provide an updated address would result in dismissal of this action. (*Id.*) On March 14, 2022, an order mailed to Mathews was returned to the court as undeliverable and with no forwarding address. (*See* ECF No. 45.) Mathews has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order. The court notes that this dismissal is without prejudice to Mathews's opportunity to refile his remaining claims in a separate civil action, subject to the applicable statute of limitations.

**ENTERED** this 7th day of October, 2022.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE